

THE NEW REPUBLIC

Catholics in America

What Are the Objectives of the Church?

Deny non-Catholics their religious liberties?

Outlaw divorce and birth control?

Use tax money for parochial schools?

Censor books, movies and television?

Bind the US to Vatican foreign policies?

John C. Bennett Jaroslav Pelikan

Arthur Schlesinger, Jr.

March 21, 1960, 25 cents

T.R.B.

from
Washington

Lost: \$30 Billion

★ What do you do when you lose \$30 billion? Report it to the police? – Okay, give me the desk sergeant! Sirs, I want to report the loss of a large sum. Yes, a large sum – \$30 billion . . . I said “billion,” Sergeant, not million . . . I’m not joking. . . .

Since January 1 paper values on the New York Stock Market have fallen \$30 billion. Examples: General Motors was 58 – now 45. Eastman Kodak: 112 – now 98. The market was way too high and has started down; it’s not a bad thing of itself. After the 1958 election Eisenhower and the newspapers started the greatest inflation scare in the nation’s history; result – people bought stocks. As readers know, this reporter decried the scare; in any event, now it is over and people are selling overvalued stocks. Secretly a lot of government officials are happy.

Trouble is, a lot of people lose confidence when the market slumps. A beginner buys 10 shares of US Steel at 108; it drops suddenly to 80, he wonders about prosperity. A rich man has 1,000 shares of Dupont at 278; sees it drop to 225 in two months – a paper loss of \$53,000. Maybe he had better not buy that Cadillac! The intangible paper value was the basis of credit and confidence. And now it is gone. Says Reserve Board chairman Martin: “Insofar as people might attach more importance to it than it really deserves, I’m worried about the stock market.”

Out-Dated Crusade

★ We had plenty of room in this skimpy column last week to tell you about favors from a TV-chain owner to ex-FCC

chairman Doerfer, but not a word of it did we find in our voluminous contemporary (pro-Administration) Time magazine. In any event, Doerfer has now resigned, having joined such other conflict-of-interest Eisenhower émigrés as Sherman Adams, Air Force Secretary Talbot, General Services Administrator Mansure, Public Buildings Commissioner Strobel and FCC Commissioner Mack. Doerfer was picked by Sherman Adams who stacked most of the regulatory commissions here with men of his own ardent pro-business, anti-consumer views. We never considered Adams or Doerfer dishonest. It is more interesting and subtle than that. We think they, and most of the others, brought to Washington a crusading concept of free enterprise as out-dated as Eisenhower’s own, with a consequent obtuseness to proper ethical relationships of public and private affairs that is at once fascinating and appalling. Eisenhower has never felt gifts to his Gettysburg farm improper; Adams felt favors from now-indicted Boston industrialist Bernard Goldfine legitimate; Doerfer considered it simple friendship to be feted and yachted by a man whose business he was supposed to regulate, and so on down the line to the disc jockeys who regard payola as just a mellow old American tradition.

Polls and Primaries

★ The Wisconsin primary comes in three weeks. We know and like both Kennedy and Humphrey; the former has glamor, the latter power. Kennedy is labeled a Hollywood type but is actually detached, intellectual and a Brahmin; Humphrey is self-made, an ex-reform mayor and a liberal armed with humor. If it came to a battle with Nixon we fancy Humphrey would have the stronger punch.

A private poll in New York State by Louis Harris & Associates (mentioned by Murray Kempton in the *New York Post*) says Kennedy’s margin over Democratic rivals is “based largely on the fact that he is a Catholic.” This column is suspicious of polls but undoubtedly religion is a factor. This was so in New Hampshire and will be again in Wisconsin. Our impression is that Kennedy’s religion helps him in the primaries, with the big city, newer-American vote; the

question is, how will it work out if it comes to the national contest? If Kennedy gets the nomination, this will be a factor to watch. That bigotry has ended in this country we cannot quite believe. So far, paradoxically, we think that in the primaries Catholicism is aiding, not hindering, able, photogenic Kennedy.

As to polls, we don’t think Gallup or anybody else can measure the intensity of dislike for Nixon, where it exists. Those who give Nixon the election already and base it on public opinion polls reckon, we think, without this considerable factor.

The South Will Scream

★ The decisive vote in the Senate civil rights filibuster was the one against applying cloture March 10 – 53 to 42; it meant that the Southerners had won most of what they were after and that the House would write a limited bill, if any, confined to Negro voting rights. As the situation looks now, Congress will pass a civil rights bill for the first time in history over a filibuster; the bill probably won’t go far but will be a beginning; Lyndon Johnson will claim justification for his middle course, but has lost some Northern support; the chief winners are the Southern obstructionists; chief loser, America’s reputation among darker skinned nations. Democratic National Chairman Paul Butler, meanwhile, is creating an inter-racial advisory committee, with Mrs. Roosevelt, to draft a tentative civil rights plank. Forecast: the South will scream.

Diplomacy

★ Real or feigned, Mr. K’s attack of “influenza” menacingly postpones his trip to Paris and stirs diplomats. He threatened to fly home at Los Angeles . . . and got kid glove treatment thereafter; he had a “toothache” when Macmillan visited Moscow and used the time to make an anti-foreign speech; he snarled suddenly at his recent Italian official guest in Russia, and he did the same thing on his Asiatic trip. There seems to be a pattern in this; we have a friend here who predicted some such tantrum on the Paris visit. If it’s real flu of course we sympathize; but the case history might indicate another diagnosis – diplosomatic.

THE NEW REPUBLIC

A Journal of Opinion Volume 142 Number 12 Issue 2366 March 21, 1960
Published weekly (except for omissions of four summer issues) and distributed by The New Republic, 1244 19th St., N.W., Washington 6, D.C. Phone: REpublic 7-8656. Entered as second-class matter September 26, 1950, at the post office at Washington, D.C., under the Act of March 3, 1879. Single copy 25c. Yearly subscription, \$8.00; Foreign, \$9.00, Armed Forces personnel or students, \$5.00. Advertising rates upon request. Subscribers desiring change of address should notify us at least three weeks in advance. Include old and new address. Copyright © 1960, by Harrison-Blaine, Inc.

The Humphrey Image

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Cartoon:

7. *The Washington Post*

"I ain't nothin' but a hound dog/Running all the time. I ain't nothin' but a poor boy/Haven't got a dime." Thus was Hubert Humphrey lampooned at the Gridiron Club's annual banquet in Washington last week. It was good, clean kidding – in earnest. A few days earlier, the newsmen had heard the Senator plead poverty as his reason for not entering the Nebraska primary. And at the press conference formally announcing his candidacy, Humphrey had spoken of knowing "from personal experience what it means to be the victim of depression, distress and natural disaster" and pledged that he would be the "spokesman" and "true friend" of the "plain people." If there are any voters who by now do not know that Hubert Humphrey's heart belongs to the common man and that his bank balance wouldn't impress Wall Street, it is not the fault of the Senator or the press.

But the public is deceiving itself if it puts this man down as an impecunious populist whose only talent is in setting the prairies afire with his oratory. Indeed, one of the most singular aspects of the Humphrey campaign is the discrepancy between what the candidate is and what he appears to be. Both as a political tactician and as a constructive public servant the Senator from Minnesota has far more substance than the average superficial appraisal would suggest.

At 48, he is the "elder statesman" of the most impressive group of Democratic incumbents in any of the 50 states. The Minnesota team of Humphrey, Gov. Orville Freeman, Sen. Eugene McCarthy, Lt. Gov. Karl Rolvaag and state Attorney General Miles Lord did not rise to prominence by accident. For the excellence as well as the effectiveness of the party organization in the state Humphrey is entitled to much credit. At the time he was a "boy wonder" as mayor of Minneapolis, Minnesota liberal forces had their advance blocked not only by the Republicans but by internal bickering due in part to Communist infiltration. Both battles were won by the Democratic Farmer Labor Party which Humphrey and his young colleagues formed in 1946.

The civil rights and social welfare measures with which the Senator has been so closely identified are what give his candidacy its Trumanesque quality. But for a nation more imperiled in the 60's by nuclear weapons and Soviet competition than by the possibility of the breadlines of 1929, it is Humphrey's interest and competence in foreign affairs that deserves notice. As a delegate in 1956-'57 to the General Assembly, he had an opportunity to familiarize himself with the United Nations. He has been a practical and ardent worker for arms control,

though he has not minimized the danger of unilateral arms reduction or the hazards of negotiation. It is he who introduced and obtained adoption in 1955 of a Senate resolution establishing the Special Subcommittee on Disarmament of which he has been the active chairman since. It is Humphrey who steered through the Senate a unanimously passed resolution putting that body on record favoring a nuclear test ban agreement with effective safeguards. It has been his persistent prodding that is responsible for some of the Administration's recent initiatives in disarmament: if there is stepped-up research on methods for more reliable nuclear test detection it will be the consequence, in good measure, of Humphrey's detailed proposals in his March 8 Senate speech, during which he also argued for his bill to establish a National Peace Agency. And although it was the eight-hour talkathon with Khrushchev that got Humphrey into the headlines, of equal significance is the fact that foreign diplomats have sought the Senator out to an extraordinary degree, and that he has handled this ticklish, intermediate role with discretion.

His expertness both in agriculture and foreign relations was proved in discussion and final adoption by the Senate in 1954 of Humphrey's original bill for overseas distribution of surplus food. Last year, he submitted a carefully drawn "Food for Peace" plan designed to turn a national liability into an international asset.

Because he has a gift of gab, some mistakenly assume he isn't saying much. Because he interests himself in so many issues, he is criticized for spreading himself too thin. Because on television he so evidently always has a ready answer, viewers may conclude he isn't really *thinking*. Or because he has what William S. White calls a high humor quotient, more stolid citizens have dismissed him as "un-Presidential."

There is no doubt that Hubert Humphrey smothers many a good idea by wrapping it in yards of banalities, but the idea *is* generally good. He ad libs on 15 subjects, but usually he is remarkably well-informed on all 15. If one were to search for a comparable figure in American politics, the closest resemblance would be Fiorello La Guardia — with a Midwest accent. One thinks of them both as having sound political instincts, versatility and energy. La Guardia never won a medal for his administrative talents, nor will Humphrey. (Senator Kennedy's staff work, for example, and his use of intellectual manpower are recognized as superior.)

If Humphrey loses the Wisconsin and West Virginia primaries he is not likely to be the Democratic nominee in 1960. But primaries, it is being noted, can obscure as well as reveal a candidate's qualities. Humphrey's geniality and plain passion for politics and people can't be missed. What might be missed in the hoopla and the handshaking is that here is a man of durable convictions to whom "peace and prosperity" are more than words with which to dazzle the voters.

Mirror of Soviet Intentions

Walter Ulbricht, the Deputy Prime Minister of the East German Republic and chairman of its ruling Socialist Unity Party, has often been the sounding-board of Soviet intentions. His recent activities, therefore, have a depressing significance.

In December, he tightened up travel regulations, even forbidding small children to join their parents in West Germany. In January, he announced triumphantly that only five percent of East German industry remained in private hands. In January, too, Herr Ulbricht instituted increasingly Draconian punishments for East Germans who ventured into West Berlin to do their shopping. In February, he turned the screw on Otto Dibelius, Bishop of Berlin and Brandenburg, in an abortive effort to split the unity of the German Evangelical Churches. In February, he announced that East Germany would ask the Soviet Union for rocket weapons — unless West German rearmament were curtailed. In February again, Ulbricht was almost certainly involved in the still unsettled affair of the Allied Military Missions to the Soviet Commander-in-Chief, who were suddenly issued new passes confirming that their owners were registered with the East German Ministry of the Interior rather than with Soviet authorities.

Throughout February and early March, the East German press has intensified its campaign against the Federal Republic and against West Berlin. Its purpose is clear: to demonstrate at the forthcoming Summit talks that West Berlin is a "center of spying and provocation" and that the Bonn Government is the real obstacle to a "satisfactory" agreement in Central Europe. The point was put bluntly by the Soviet Ambassador to Bonn a few days ago when he informed a meeting of West German politicians that it would not be enough for Bonn to accept the Oder-Neisse eastern frontier, to ban atomic weapons and withdraw from NATO; if it wishes German reunification, it must become "peace-loving and democratic," which is to say, a "workers' " state.

Here are easily-read signposts which all point to the undeviating line which the Soviet Union will pursue — demanding the creation of a two-state "German Confederation" which will preclude all chances of reunification in freedom, and a "free city" of West Berlin which will succumb to East German Communist pressures. Meanwhile, Ulbricht has embarked on a "Blitz" campaign which may be the most significant of all his actions since the New Year. He has announced that he will bring all truly independent ownership of the land to an end.

Farmers are being threatened with political persecution if they "do not do their duty by the State" and join the nearest cooperative. The "agitators" employed by the regime are often given loud-speaker trucks with complete programs of advice, persiflage and "patriotic" music with which to convince the recalcitrant farmer.

Vans carrying searchlights, have floodlit farms after dusk, explaining to the curious that it is owned by an enemy of the "People's Democracy."

The deliberate dispossession of the East German farmers is a human tragedy, and the West German press has quoted the desperate cry of a 78-year-old to a trained party "agitator" – "Why don't you simply shoot us?" But the special meaning of this "Blitz" is that by May 1 the old system of landownership will be doomed. Ulbricht is hammering another nail into the coffin of German hopes for genuine reunification, and doing it in good time before the Summit talks open.

Ben-Gurion Pays a Call

"We hear that the United Arab Republic (Egypt and Syria) is heavily preparing for a military action," King Hussein of Jordan told a group of his army men last week. His belief, he told his listeners, is that "the final battle against the common enemy [Israel] is approaching." Premier David Ben-Gurion has just made the same point in his talks with President Eisenhower, Dag Hammarskjöld, Chancellor Adenauer and Prime Minister Macmillan. Reports leaking out of heavily-censored Cairo confirm the build-up; they also speak of a new confidence among Egyptian generals that they are now a military match for Israel and a much worsened economic situation that might encourage a diversionary action.

Spokesmen for Mr. Ben-Gurion were careful to inform the press that the Premier made no new request for US aid or arms, although figures on US military assistance to Near East countries released just before his arrival in Washington certainly begged to be used for that purpose. Between fiscal years 1950-60 the US gave Arab nations close to \$600 million worth of military supplies and equipment; Israel received no US military grants at all, and only \$970,000 of credit financing to buy arms from others. Our repeated reluctance to help Israel compete in the Midwest arms race has apparently convinced Ben-Gurion that the better course is to remind us of the tripartite declaration guaranteeing existing Middle East frontiers which the US, Britain and France signed in 1950 – and to suggest hopefully that we announce ahead of time that we will stand by that pledge if those borders are breached again.

Politics on the Campus

Who says the younger generation is politically illiterate? Not the man from Missouri, for he emerged as the "Presidential candidate" in a mock Democratic convention staged by University of Missouri students on March 5-6. Senator Kennedy, supported by hilarious bobbysoxers, svelte cheerleaders in tight shorts and sweaters, and a

hundred harassing Young Republicans who infiltrated the convention merely by paying a dollar each to be seated in a delegation, almost pulled a minor coup when he came within four votes on the second ballot.

The "Vice Presidential nomination" went to Gov. Pat Brown; and Gov. Adlai Stevenson, Sen. Hubert Humphrey, and Rep. Chester Bowles, for whom the grassroots rustled noticeably before the convention, were obliterated after playing first-ballot role as favorite sons.

Bearing in mind that the University of Missouri lies in both the "Bible Belt" and "Little Dixie," that the theme song at football games is *Dixie*, and that one fraternity flies a Confederate flag on its front-yard flagpole, it was something of a surprise when the convention, after some impassioned floor debate, adopted a hard civil rights plank – 740 to 502.

The whole affair mushroomed to such proportions that a fraternity alumnus successfully threatened to withhold financing a new chapter house wing if the house went into the Kennedy column. Hundreds of expensively printed handbills warned against sending another "Missouri jackass" to the White House. The delegates who put Symington in "nomination" told of "Stu's lovely Eve who in the early days sang in night clubs to make ends meet." And one agitated coed demanded votes for Brown because "after all he saved Caryl Chessman's life and *she* certainly deserved to live."

A Curious Affinity

Right-thinking people everywhere owe their deepest gratitude to Gov. Wesley Powell, of New Hampshire. Would that there were a Powell in charge of the Nixon campaign in every state in the Union! In any state where one does not exist, it is clearly desirable that the Democratic National Committee should invent one. The Governor has done a service in reminding the nation of many things Mr. Nixon would like to have it forget.

Governor Powell's charge that Sen. John F. Kennedy has been soft on Communism is not a smear, as Mr. Kennedy called it. It is just a lie, and things have come to a pretty pass in this country if the Governor of a sovereign state has to confine himself strictly to the truth in fighting for a candidate of his party, particularly when the candidate is Vice President Richard M. Nixon. It is grossly unfair to criticize Governor Powell. He was only using the play the coach taught him, and all of a sudden he finds himself thumbed to the bench for subordination, or something. First Murray Chotiner and now Wes Powell. One wonders where Mr. Nixon can recruit people to do the work he finds it tactically inadvisable to do himself, if willing servants are so summarily dealt with.

We think Mr. Nixon is to be complimented, too, for repudiating at once what Mr. Powell said. He would have spoiled the whole thing if he had gone one step

further and asked Mr. Powell to resign as director of the Nixon campaign in the state. The charge would have been in circulation, but some of its impact would have been lost if the impression got around that the author himself, not just his tactic, was too gamey for Nixon.

Maybe there is some good in primaries after all. The nation might never have gained a true estimate of Governor Powell had he not shown up in the spotlight focused on the New Hampshire primary. In his Washington career, chiefly as an administrative assistant to Sen. Styles Bridges, he seems to have exploited a natural obscurity. In New Hampshire, he has been hidden by the mists enwrapping the mountains. The nation was denied details of his unpleasant campaigning against the late Sen. Charles W. Tobey in the 1950 primary, in 1952 as an aspiring Taft delegate, in another vain try for the Senate in 1954, as a McCarthyite, and another vain try for the Governorship. It missed much of the fancy work, playing Rockefeller off against Nixon, which in the end won him the chairmanship of the Nixon New Hampshire campaign committee this year.

But now the nation knows all it needs to know about Mr. Powell, and has been usefully reminded of the appearance, in so many campaigns of the pre-new-Nixon, of what may now be called Powellism. When Mr. Nixon finds himself represented by someone like the New Hampshire Governor, whom he perhaps didn't want to represent him, is it too much to say, in a phrase the late Senator Joe might have used, that the Vice President shows a curious affinity for Powellism?

Doerfer's Resignation

In his letter of resignation as Chairman of the Federal Communications Commission, John C. Doerfer reminded the President (though the President needs no reminding) that his job had required "day-to-day contact with many industry people. A large number of these contacts eventually ripen into social acquaintances and sometimes friendships, which, despite appearances, do not imperil the integrity of either the government official or the member of industry."

But if Doerfer's friendship with broadcasting executive George G. Storer (or more precisely, six days and nights on Storer's yacht and a free flight to and from Florida) ended the Commissioner's career with the FCC, an earlier political acquaintance – no less controversial – is worth recalling. Although sponsored for the FCC post by Wisconsin Gov. Walter Kohler, once appointed in 1953 Doerfer was known as a willing ally of the powerful Senator from Wisconsin, Joseph McCarthy. He helped kill two potentially anti-McCarthy TV stations in Wisconsin, assisting Hearst-owned WISN of Milwaukee in getting a license previously slated for an educational television station, and in a more celebrated

case, voting to block the TV application of the crusading, anti-McCarthy editor of the *Capital Times*, William T. Evjue. His explanation for the latter action had a simplicity Doerfer never lost. He told reporter Ronald May that he was voting against the Evjue application because "I don't like him, and I don't like his views."

Facsimile Mail

Electronic delivery of mail is approaching reality. Less than half a year ago the Post Office Department acknowledged, somewhat coyly and guardedly, in consequence of a leak, that it was experimenting with facsimile. Now the Department has formally announced that it has awarded a research and development contract to the International Telephone and Telegraph Corporation covering the engineering and procurement of prototype models of high-speed and high-volume facsimile transmitters and receivers. Limited tests have been carried out between Washington, San Francisco, Los Angeles, Detroit and Battle Creek. A full-scale test, using initially at least only government communications, will be conducted between Washington and another city not yet determined. If this is successful, regular mail may be so transmitted before the current year is ended.

Facsimile is a process by which a letter or other document is "scanned" or photographed, and a reproduction, broadcast through the ether electronically, is received at another point by a machine tuned to the transmitter's frequency. The process is much like wirephoto – the instantaneous transmission of a picture from point to point – save that it is done by radio without wire connection between the transmitter and the receiver. Obviously, this method of sending mail would eliminate most of those impediments of rain or snow or gloom of night which, despite all the protestations of the Post Office Department, do sometimes stay its couriers in the swift completion of their appointed rounds.

The benefits of facsimile transmission, or speed mail as the Department seems disposed to call it, are manifest and manifold. If you are about to board a plane in New York for San Francisco, you can write a note to a friend to let him know about this glad event and it should be in his hands before you take off from La Guardia Airport. With the three-hour time difference between the East and West Coasts, that letter would probably be delivered before it was written. Business deals could be closed at breakneck speed; checks could be cashed at long range; appointments could be made or broken.

Anxiety has been expressed regarding the sanctity of letters entrusted to the Postmaster if they are reproduced and transmitted electronically. "We believe these tests on facsimile mail transmission," Mr. Summerfield said recently, "will convincingly prove the sanctity of

the mail which is of such great interest to everyone can be preserved." Automatic equipment covered with tamper-proof black boxes which can be opened only by authorized Post Office employees will open the letter, place it before the scanner which will scramble its contents before transmitting them; at the receiving end the contents will be unscrambled, reproduced photographically, sealed in an envelope and then delivered by hand. The contents thus will be untouched by human eye.

Not every fear will be allayed by this formula. But those who remain fearful will still be able to send letters by the slower and more conventional carriers. Of course, even missives transported by jet airplane or carrier pigeon can be surreptitiously steamed open by official snoopers – if they don't mind breaking the law. Perhaps the only formula for absolute security lies in a variation on the Western Union slogan: Don't write, telepath.

The Hidden Persuaders

Last week, in *Talley v. California* the Supreme Court held unconstitutional on free speech grounds a Los Angeles ordinance which bars distribution of "any handbill in any place under any circumstances" which does not bear on its face the names and addresses of the writer or publisher and the distributor of the handbill. Justice Black, joined by the Chief Justice and Justices Douglas, Brennan and Stewart, went back to the Federalist Papers and beyond to show "that anonymity has sometimes been assumed for the most constructive purposes." Thus, in the majority's view, this all-embracing ordinance was "void on its face." But the five Justices hinted that they might view differently "an ordinance limited" in some appropriate fashion to "fraud, false advertising and libel." Justice Harlan concurred in the Court's judgment, in view of "the absence of a more substantial showing as to Los Angeles' actual experience with the distribution of obnoxious handbills." Justice Clark, joined by Justices Frankfurter and Whittaker, dissented, noting that lobbying and corrupt practices statutes commonly require the divulging of the identities of would-be hidden persuaders. The three stood "second to none in supporting Talley's right of free speech – but not his freedom of anonymity. The Constitution says nothing about freedom of anonymous speech."

Of the three opinions, only Justice Harlan's seems to acknowledge fully that a close scrutiny of the particular circumstances from which restrictive legislation emerges is an essential prerequisite for any useful judicial determination of the scope of the constitutional right asserted against it. In many instances, surely, a writer or speaker should be able to clothe his anonymity in the Constitution. But abstract generalizations cannot serve to distinguish the pseudonym that deserves protection from the alias deserving none.

"In times of crisis, the newspapers are first with the cry: 'Let the people know the facts!' But perhaps Fact is a deity invoked by the people only in the last emergency when the easy gods of peace have failed them."

- Dorothy L. Sayers, 1941



"He Always Leaves a Nice Clean Desk"

Brazil, Argentina, Chile and Uruguay. . . are determined to progress – to improve their economies – to provide better housing and education – to work ceaselessly for rising levels of human well being. . . . Once sound planning has made significant progress, a nation can formulate specific projects for action, with priorities established, and with confidence that each development will open still further opportunity to speed the spiral of growth. . . . The people of Latin America know that poverty, ignorance and ill-health are not inevitable. They are determined to have their resources and labors yield a better life for themselves and their children.

- President Eisenhower, March 8, 1960

President Eisenhower yesterday expressed complete disapproval of a Senate-approved measure which would help pay the salaries of public school teachers. He did so at his news conference in answering a reporter's question about his reaction to the \$1.8 billion aid-to-education measure which would also help build new schools. . . . "I can't imagine anything worse for the federal government to be into."

- The Washington Post, February 12, 1960

Richard L. Neuberger, 1913-1960

Although only 47 when he died, Dick Neuberger had been for a quarter of a century a skilled, prolific and indeed learned author about the outdoors in general and the Pacific Northwest in particular. Coming to the Senate in 1955, after a campaign in which he had been subjected to bitter and false attacks, he won for himself in five short years the admiration not merely of the Senate, but of the country as well.

First of all, Dick Neuberger was a true conservationist who, with his love of the outdoors, labored unceasingly to prevent the beauties of the land, its mountains, rivers, valleys and deserts from being debased and exploited. To him is due the act which seeks to protect the 41,000-mile system of national highways from being merely a canyon of billboards. By his patience and insight, he saved both the economic heritage of the Klamath Indians and the noble forests which were their possession. He was a tireless worker for using the tempestuously falling waters of the Northwest for public development, while retaining their beauties and permitting the sock-eye salmon to carry through their life cycle from mountain lakes to the deep sea and then complete the Odyssey of their return to the lake of their origin,

to the spawning of their new generation and to their death.

With all this Neuberger was a true liberal and a loyal and hard-working member of that reviled group which has fought for the poor, the weak, the aged and the sick, as well as for true freedom of thought, speech and assemblage. His political philosophy indeed probably grew out of his outdoors life, the political and social tradition of the West as exemplified by William S. U'Ren and George W. Norris, and his Jewish heritage. As Dick Neuberger often said, "We have no more rights than we are willing to fight for."

Eighteen months ago he narrowly escaped death from cancer, and during that trying ordeal he bore himself with courage and composure. He emerged from it even more compassionate and kindly in his personal relations, and with a real sense of mission sought to eliminate or greatly reduce the terrors of that dread disease.

The country can ill afford to lose him. The one consolation is that his wife Maurine who was in large part his inspiration and who was his constant and devoted co-worker bids fair to be ultimately his successor.

PAUL H. DOUGLAS

The High Trail To Reform

The Senate liberals are a pestered lot. To them, either personally or through the mail, are brought all the injustices of a broad continent. Can't they do something? Won't they speak up? Every liberal is deluged with mail, visitors and demands for speaking engagements. Nor are the sources of the speaking invitations always tolerant when a weary man tries to explain why he cannot finish a tense Senate debate at 5:30 p.m., rush to New York by plane for a scintillating speech at an 8 o'clock banquet and then hurry back to Washington by the midnight train to attend a 9:30 committee meeting the next morning. I have seen Senate liberals, their shoes off and ties loosened, lying exhausted on the black leather couches in the Senate Marble Room. Flesh and blood could stand no more. Indeed, I am more drained of strength by the Senate than by climbing mountain peaks with my wife back home.

Still, the coal miner must toil when he is tired; so must Senators. George Norris had a dogged persistence, and this is one of our needs today. When he was in a desperate struggle, Norris rarely read the newspapers. He told Irving Dilliard of the *St. Louis Post-Dispatch*

and me, on the last occasion that I ever saw him, that worry over his press notices merely lessened his capacity for effective service, in the cause at hand. Unshackled by the attitudes of party leaders on forward-looking programs as he was indifferent to pressures from his own state of Nebraska when he believed those pressures were misplaced . . . Norris in 1928 blithely stumped Nebraska which was dry and Protestant and Republican, for Alfred E. Smith who was wet and Catholic and Democratic.

Perhaps we need a few more liberal pilgrims who will strap on crampons, shoulder their kitbags and set out across uncharted snowfields. That's what Norris did. Why gnash our teeth from the overstuffed chairs in the Senate Marble Room? A grinding of molars passes no legislation. Have we gone so soft that we embark only on expeditions which take us no more than a discus throw from the Majority Leader's chambers? If Norris had waited for an official fiat from either political party before he hit the high trail to reform, the TVA and rural electrification would still be due about the year 2000.

RICHARD L. NEUBERGER

The New Republic, July 4, 1955

That "Fourth Nuclear Power"

by James E King, Jr.

The defense scene is confused enough without the added contribution of bad reporting. On March 2, metropolitan afternoon papers headlined an AP release "NATO Plans Joint Nuclear Force" (*The Washington Star*). Thursday morning papers carried the story under similar headlines. *The Washington Post* story was captioned: "Step to 'Fourth Nuclear Power?'" *The New York Times* head was somewhat more cautious ("NATO Plans To Put Troops of 3 Nations Into Atom Brigade"), but the story referred to "NATO's becoming an atomic power in its own right." The stories were consistent with the leads. They highlighted the nuclear armament of a NATO force, which was not news at all. They also inferred something else – a proposal to constitute NATO a "fourth nuclear power" – that would have been news, had there been anything in it, which there was not.

The reports originated in a press conference held by General Norstad, Supreme Allied Commander in Europe, who reported "tacit" agreement to the formation of a joint NATO mobile task force consisting initially of US, French and British troops, to which it was hoped that as many as eight NATO countries might eventually contribute. The press seized upon the fact that this task force would be armed with nuclear weapons (in addition, of course, to non-nuclear weapons).

The truth is that all NATO forces are already armed with nuclear weapons, in one way or another. The novelty of General Norstad's announcement, then, was *not* the armament of the joint task force, but the fact that such a force had been agreed upon, even tacitly, and could be announced – and its purpose. In short, by confusing two different things, the press obscured the significance of the announcement.

The armed forces of NATO are made up of contingents contributed by 15 member nations. Some of these forces are stationed on the territory of another member, notably the US, French, British, Canadian and Belgian forces in West Germany, and a small US unit in Italy. But most NATO member countries think of their own forces as being intended to defend their own territory.

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Also, the forces of one country stationed on another's territory are pretty firmly committed by the governments which supply them to stay there. Thus, a Russian-satellite attack across the Elbe would run into a truly international force which is kept in West Germany to defend the German Federal Republic, and thereby to block the approaches to France and Britain and to the Scandinavian and Benelux members of NATO. But an attack upon Turkey, upon Greece, or upon Denmark or southern Norway (by sea or air) would have to be met, initially, by the forces of the country directly attacked. Also if the "attack" were in any way ambiguous – for example, a border dust-up with questions being raised regarding just which side committed the "aggression" (admittedly unlikely to happen in the case of Denmark and southern Norway, but quite possible as regards northern Norway) – it might be difficult politically for other NATO governments to make a prompt contribution to the defense of the member nation affected. At least, until the creation of this joint task force was envisaged, General Norstad had no force *he* could expeditiously supply to aid an exposed ally. He might, of course, call for "massive retaliation" by US and British strategic airpower, but he would be extremely unlikely to do so in an ambiguous situation.

Now, General Norstad himself has said that the effectiveness of NATO's contribution to the general deterrent against attack from any quarter requires that his forces have the ability "to respond to less than ultimate incidents with decisive but less than ultimate means." In other words, the Russians (or, say, the Bulgarians), knowing the reluctance of the great nuclear powers of the West to resort to strategic nuclear retaliation in any instance short of an unmistakable all-out attack, might be tempted to exert pressure against a neighboring NATO member which lacked resources of its own to respond "decisively" with a conventional or tactical nuclear local defense. To fill this gap in the deterrent front NATO needs a mobile, preferably airborne, task force or a "fire brigade," available for instant employment at any point from the Arctic littoral of northern Norway to the Zagros mountains of East Turkey – without having to wait for the NATO Council to meet and for various member governments to agree that some of the forces they provide to NATO may be used at some point where they had not expected them to be used. It has been widely recognized that without such a prior arrangement, any NATO "fire brigade" would almost certainly have to be a US force, probably ex-

tracted from our Seventh Army in West Germany in the first instance, precisely as was the case of the Army troops employed in the Lebanese landing in 1958.

But let us not be confused. This project for an international NATO mobile task force, available for employment to reinforce the local defense anywhere within NATO territory, which was initiated by Norstad's planners many months ago, has nothing whatever to do with the question whether additional NATO countries should have or be given nuclear weapons under national control, or with the question whether NATO itself should be the "fourth nuclear power." Since December, 1954, all forces assigned to NATO have been authorized and required to plan their prospective military operations on the assumption that nuclear weapons might be actually employed, and it has been the announced US purpose since that date to make certain that all NATO forces will be "dual-capability" forces, that is, able to defend themselves either with or without resort to nuclear weapons as the circumstances may require. The West Germans, for example, have been allowed to purchase Honest John rockets, Matador and Mace cruise missiles and other means for delivering nuclear warheads. The Italians have been given Honest John rockets under the mutual defense assistance programs. Other local forces are counting upon nuclear fire support from US units. In all cases (except the British who have some of their own) the nuclear warheads remain under US control.

The confusion emanating from Norstad's press conference regarding NATO forces' nuclear armament can be traced to a somewhat offhand comment President Eisenhower made to the press early last month. Asked about reports that the Administration might be planning to propose a change in the Atomic Energy Act so that information regarding the design of nuclear weapons, or even the custody of the weapons themselves, might be given to certain NATO powers (*i.e.*, France) in return for their allowing us to station US nuclear weapons on their territory, the President remarked: "When the Soviets have the information and know-how to do things, it's pretty hard for me to understand why we don't do something with our Allies, as long as they themselves stand with us firmly in defending against the probable aggressive intent of Communism." There are indications that this has long been Mr. Eisenhower's view, and his comment stirred speculation that some proposal to Congress along these lines might be forthcoming. But no such proposal has as yet been made and it seems unlikely in the extreme that the President would contemplate deliberative violation of the law.

It is also a fact that General Norstad has suggested the possibility that NATO might be constituted a "fourth nuclear power." He was asked to clarify this suggestion at his press conference. The question was: "Are you satisfied with the present nuclear striking power of

NATO – and if this is to be expanded, how can it best be brought – as it were – under the control of the 15-member nations of the Alliance? I am thinking particularly of your concept of the fourth nuclear power." In reply, General Norstad explained the system by which the US supplies and controls the nuclear weapons available to his command. This system, he said, "has come to be called the 'NATO Atomic Stockpile'." He pointed out that the arrangement which has been in force for some time, "does not further distribute the possession of weapons, but it does provide a supply system to the delivery means which will now be where they need it rather than concentrated in one place." He then added: "What I have tossed out for 'thinking purposes' is that perhaps these NATO weapons that are necessary to meet the basic NATO requirements, might come clearly for a period of time under NATO control. You could call it a 'multilateral, forth power'. I am not advocating this. I am just raising this as one of the possible directions or one of the possible solutions. It involves some very great problems as well. . . . I would hate to put this forward as a proposal, although I personally tend to support greater authority in the Alliance."

At least one reporter, however, was not satisfied with the explanation. He therefore asked a specific question, to which he received a specific answer. The question was: "In regard to the mobile task force . . . could you say whether the 'tacit' agreement . . . covers the question of the nuclear stockpiles – where they will be, who owns them, how it will be controlled, and whether you consider this to be a first step toward making NATO a fourth nuclear power." To this General Norstad replied: "I frankly don't think there is any relation . . . because this [mobile task force] could be done . . . under the present system without any country accepting or rejecting any further agreements on the stockpiling, rules of handling." It is curious journalism to say the least, when the reporter's question makes the headlines and the answer to the question is virtually ignored.

The "NATO Atomic Stockpile" system is admittedly cumbersome. Many have wondered how it would work, or whether it would work at all, in the event that need to have it work should arise. It also imposes a heavy burden on US forces in Europe – a circumstance seldom referred to is that the US Seventh Army has been required to find the custodians for the stockpile (and to provide nuclear fire support units for some Allied forces) without additions to its troop strength, thereby in effect reducing the forces available for employment on its own extensive front. For these *military* reasons General Norstad would prefer, as any commander in his position would, that all the component forces of his command have their own "organic" nuclear fire support. But knowing the *political* obstacles to this change, he has not pressed for it.

A SYMPOSIUM ON CATHOLIC AIMS

"If the Catholic Church ever became dominant in America," George Santayana wrote in The New Republic in 1916, "it would without doubt, by virtue of its concrete mission, transform American life and institutions. In the measure of its power and prudence, it would abolish religious liberty, the freedom of the press, divorce and lay education." How sound does that prophecy seem today? Would the Roman Catholic Church, in the US, if it could, attempt to suppress what it interprets as "error"? Would our traditional liberties be secure if Roman Catholics were in the majority? Is the Catholic Church inexorably bound by its dogmas to manipulate the machinery of government to serve its particular views and practices? It is such speculative questions as these which have been put to three informed non-Catholics. Their replies follow.

Catholics in America

Do you believe that the Roman Catholic Church in the United States has among its ultimate objectives:

- 1 the denial to non-Catholics of their right to propagate their faiths?
- 2 legislation that would outlaw divorce or the dissemination of birth-control information?
- 3 legislation providing subsidies from tax monies for Catholic education?
- 4 the banning of any printed matter, motion pictures or TV programs which, in the opinion of the Catholic Church, is either: indecent, hostile to the hierarchy, or critical of Catholic doctrine or opinion?
- 5 revision of the foreign policy of the United States – and if so, how?

JOHN C. BENNETT, *Dean of the Union Theological Seminary and co-chairman with Reinhold Niebuhr of the Editorial Board, Christianity in Crisis.*

Before I answer the specific questions posed above, I want to emphasize one general point: Roman Catholicism varies remarkably from country to country. The contrast between Catholicism in Spain or Colombia with Catholicism in France or Germany or Belgium is so great that it is difficult to believe that we are dealing with the same religion. American Catholicism has great pastoral effectiveness, but it lacks the theological and cultural maturity of most European Catholicism and some of the problems which it creates in this country are due to this fact. There are many other ways in which we see differences within Catholicism, between dioceses in the

same country and between the various Catholic orders. The major error of those who specialize on the dangers of Roman Catholicism is their tendency to assume that the Church is a vast monolithic system effectively controlled by a master plan at the center. The fear that Roman Catholics in American public life may be agents of such a centralized system is without foundation. It does not take account of the record of Catholics who do hold many of the highest offices; they do not conform to a single pattern but are divided, as are other Americans, on most public issues.

If non-Catholics open their minds to the fact of diversity within Catholicism they will lose many of their fears of Catholic power. I recognize that, while this may be true of any cumulative threat from Catholic power in the country at large, it may not be very comforting to

non-Catholics in some local situations where the Catholic Church is dominant.

1. The traditional Roman Catholic position does justify the curtailment of the liberties of non-Catholics in a nation where the Roman Catholics are dominant. The mention of "right to propagate" is much to the point because it is this right, rather than freedom of worship within a sanctuary, that is most likely to be threatened by this traditional Catholic view. If this were all that could be said, the answer to this first question would be "yes." Fortunately there are two tendencies within Roman Catholicism which prevent me from giving that answer. The first is that in democratic countries Roman Catholics have come to share in practice the prevailing outlook on religious liberty for all. They may not renounce the traditional position explicitly, but they have come to realize that it is not good for the Church to be able to use the police power of the state against non-Catholics. In this country, whatever their theory of the matter, Roman Catholics know that their Church has more vitality and a better opportunity to be itself and to do its work than in the so-called Catholic countries where the Church has special privileges, Spain for example and even Italy. It is on this basis that the American hierarchy have pledged themselves to preserve the American system of separation of Church and State though they would join with many non-Catholics in refusing to interpret "separation" in absolutistic terms.

If this first tendency were the only favorable one, it might seem too precarious: the second tendency which gives more hope for the future is the radical rethinking of the Church's traditional position with the development of a new doctrinal basis for religious liberty for all. Many Catholic scholars and ecclesiastical leaders believe that the Church should guard the religious liberty of non-Catholics as a matter of principle. They may still say that "error" as such has no rights but they believe that *persons in error* have rights. The spread of this new position concerning the basis of religious liberty has been quite remarkable in this country and in Western Europe. The most recent statement of it that I have seen is by the Cardinal Lercaro, Archbishop of Bologna in Italy. (*Catholic Mind*, Jan.-Feb., 1960, pp. 12-24.) An authoritative investigation of Catholic literature in Europe on the subject, under the auspices of the World Council of Churches, the largest body of non-Roman Christians, says: "Roman Catholic literature representing this modern tendency has lately been so voluminous and of such a quality that it would be an understatement to say that for one book or article in favor of the traditional doctrine, ten have been published defending universal religious freedom as Thesis." (*The Ecumenical Review*, July, 1959, pp. 408-9.) In this country as well as in other countries with a democratic tradition, the Catholic laity are overwhelmingly on the

side of this more liberal view. In such matters the Church is influenced by the spirit of a nation or culture, and it is preposterous to suggest that the American Church would become more like the Church in Spain if it had more power.

2. The Roman Catholics are not likely to try to outlaw divorce. They even use the civil divorce granted in our courts to implement their own provisions for the nullification of a marriage. I do fear that the Catholics will generally try to make divorce too difficult. They should be vigorously opposed by non-Catholics on this issue. The state has a stake in the stability of the family but it should not legislate as though it were a church.

As for birth control, I believe the situation to be more hopeful than it is in regard to divorce. Roman Catholics can be expected to be very stubborn in their rejection of the use of contraceptives on grounds of moral theology. But increasingly they are admitting that they should not impose their moral position in this matter on non-Catholics by law. When pressed on the laws in Massachusetts and Connecticut the usual answer is that the laws in those states were enacted by Protestants and that Catholics are now standing by an earlier consensus. It is my understanding that Catholics are not attempting to obtain the passage of such laws in other states. Undoubtedly there will be many local situations, as in the case of the New York hospitals last year, when Roman Catholics will attempt to control administrative policies in favor of their position on birth control. Here is an area where there will be a good deal of conflict in the future. I am encouraged chiefly by the number of Catholics who are beginning to admit that the practice of birth control through the use of contraceptives may often be a matter of conscience for non-Catholics and that they will have to take account of this in their attitudes toward the use of law.

3. The Roman Catholics are not agreed as to how much they should ask or expect in the way of state support for their schools. Many of them fear state control. Also, there is disagreement among Catholics as to how extensive their system of parochial schools should be. The idea of an educational ghetto from kindergarten through college horrifies many Catholics.

I expect that the Roman Catholics generally will press not only for auxiliary services but also for an arrangement by which parents will receive from public funds grants for the payment of tuition to parochial schools. I think that they are entitled to the auxiliary services. Non-Catholics should oppose the tuition grants because such encouragement to the establishment of parochial schools – and this would encourage non-Catholic parochial schools – would so dissipate the resources of the community that most school systems would suffer educationally. We might be able to discuss this issue with greater moderation if we would admit that, whatever

the objections to parochial schools, the present emphasis on them is a natural response to the secularization of public education. Protestants should admit that the Catholics are realistic in dealing with a problem that is also a problem for Protestants, and about which they do very little. There is no doubt that this issue will be a source of very serious conflicts, but they will be the kind of conflicts that are to be expected in a pluralistic society and we should hope for the avoidance of religious fanaticism on both sides.

4. We can expect a good deal of Catholic pressure along these lines. On the favorable side is the fact that often the most eloquent opposition to censorship comes from Roman Catholics themselves. *The Commonweal*, the major Catholic lay journal, is very outspoken in its criticism of many Catholic efforts to impose censorship. The fact of this difference of opinion among Catholics makes it possible for a Catholic who has important political or judicial responsibility to follow his own conscience, even though it may go against the prevailing tendency in the Church.

5. I doubt if there is any clear Roman Catholic international policy that would affect American foreign policy. The specter of American Roman Catholics becoming tools of the foreign policy of the Vatican State is absurd. It is true that the American hierarchy takes a much too static and ideological view of the Cold War. But Catholics in other countries often disagree with this and in Poland, for example, Catholics have learned how to co-exist with a Communist regime. Even the very one-sided statement of the American bishops in November, 1959, made room for "negotiating unceasingly for better relations with the Communist regimes."

In general there is a conflict within Roman Catholicism between the temptation to be belligerent against Communist nations and the restraining effect of Catholic teaching about "the just war," about the moral limits which should be observed in the conduct of war. Many Catholics realize that according to their doctrine an all-out nuclear war would be morally out of bounds, and this view favors a moderate foreign policy that seeks alternatives to the ultimate conflict.

Sometimes there has been a fear among Protestants that the Roman Church would use its influence on the American government to give support to oppressive regimes in Latin America which discriminate against Protestantism. This is something to watch and, if there are signs of it in particular cases, to counteract. There has recently been improvement in Latin America in this regard, and the Vatican seems to have a policy of using North American Catholics to help reform the Church in some Latin countries. This has a liberalizing effect in contrast to the Spanish influence. The degree to which we emphasize this fear will depend upon our answer to the first question.

ARTHUR SCHLESINGER, JR., *Pulitzer-prize historian of Harvard University, former national co-chairman of ADA, author of The Age of Jackson, The Crisis of the Old Order and The Coming of the New Deal.*

1. I do not believe that the Roman Catholic Church in the United States expects to deny non-Catholics their right to propagate their faiths. I assume that most Catholic leaders have honestly accepted the pluralism of American society. I also assume that they are rational men. On both counts, I doubt whether they think they could ever make America a confessional state. Nor am I impressed by the analogy, sometimes invoked, of Catholic practices in Spain or Latin America. The Roman Church has always shown an impressive ability to adjust itself to local cultures and institutions. The notion that the United States, even if there should eventually be an overwhelming Catholic majority, would go the way of Spain seems to me absurd. France, after all, has an overwhelming Catholic majority, but Catholics have made no attempts to deny non-Catholics the right to propagate their faiths.

2. I do not believe that the Roman Catholic Church in the United States expects to put across legislation outlawing divorce or birth control. The notion that any modern society would seek to outlaw divorce is self-evidently preposterous. So far as I know, Catholic judges encounter no difficulty in presiding over divorce trials and granting divorces. As for birth control, I do not know of any instance where American Catholics have tried to impose laws forbidding the dissemination of birth-control information. Where such laws exist – in Massachusetts and Connecticut – they were passed in the 1870's by Yankee Protestants under the malign influence of Anthony Comstock. Catholics have, of course, resisted the repeal of these laws. In my view, this resistance is mistaken and offensive. The Catholic Church may enforce what doctrines it pleases on its own communicants; but it has no right to use the state to enforce on non-Catholics doctrines over which there is conscientious difference in the community. Indeed, the Church's opposition to the repeal of the birth-control laws suggests a lack of confidence in its ability to control its own people in this matter. Nonetheless, it is essential to be fair. The Catholics did not invent the Massachusetts and Connecticut laws; nor have they – even in states like Rhode Island, where 60 percent of the voting population is Catholic – tried to impose such laws where they do not already exist.

3. In some states, tax money already provides parochial schools certain fringe services, like school buses and hot lunches. I have no doubt that some Catholics would like to go farther and have the state provide textbooks and buildings and even pay teachers' salaries. However, I think that the Catholics who push such de-

mands are doing their Church a great disservice. From my observation, very little has done so much to nourish and sustain anti-Catholic resentments through the country as Catholic interference in public education, whether to try and run public schools on Catholic principles, or to seek tax funds for parochial schools, or to oppose bond issues or appropriations for public schools. Many Catholics, of course, like Senator Kennedy, flatly oppose such interference. It is my impression that, during the recent debate over the federal-aid-to-education bill, most of the Catholics in the Senate voted against the Morse amendment which would have made federal funds available to parochial schools.

4. Catholic groups, like the Legion of Decency and the National Organization for Decent Literature, have already meddled outrageously with the freedom of non-Catholics to read the books or see the films or TV programs of their choice. I have no objection to such groups trying to dictate to their co-religionists; but they have no right to dictate to the entire community and call in the state to enforce their special views. However, one can find similar prurient meddling on the part of non-Catholic organizations. Nor do the Legion and NODL control the cultural habits of individual Catholics. My guess is that these organizations are transient phenomena which will begin to recede in importance as the Catholic community emerges from its somewhat constricted cultural background. Here again, as in the case of education, there is wide difference of opinion within the Catholic community.

5. I do not believe that the Roman Catholic Church in the United States would seek a revision of American foreign policy. The Church is, of course, anti-Communist; but its anti-Communism covers a wide range from the advocates of a "holy war" to those who take the long view and recognize that the Church has to ride out the vicissitudes of history. The foreign policy views of Cardinal Spellman, for example, are considerably different from those of *Osservatore Romano* or those urged by the representatives of Eire in the United Nations. In short, here again we confront, not a disciplined, monolithic movement, but a community of diverse opinion.

Relevance to the Presidency

Three of the questions, including the only two to which I would not return an outright "no" in answer, deal with local issues – with issues, that is, which are in the first instance the responsibilities of mayors, governors and Supreme Court Justices, not of Presidents. If the narrow views some Catholics take with regard to Questions 3 and 4 constitute an argument against having any Catholics in public office, then the argument is stronger against Catholics in local than in national office. But it can hardly be said that the existence of Catholic gov-

ernors, mayors and Supreme Court Justices has imperilled the freedom of the nation. Why should a Catholic President be expected to be so much greater a disaster?

Obviously any man who becomes President brings to the White House an array of prepossessions derived from his intelligence, his experience and his faith; it is the accumulation of these prepossessions which define his character. No one would want a vacuum as President. The question is: does the fact of being a Catholic endow a man with such aberrant and rigid prepossessions as to disqualify him from the performance of his constitutional duties? My answer is that I do not see a fixed Catholic "line" on most of the issues a President must confront. If you examine the voting record of Catholics in Congress on national issues over the last generation, you will find them on both sides of all great issues (you will also find, I think, that a larger proportion of Catholics in Congress than Protestants have voted "liberal" on these issues). Even in the event that birth control might emerge as a national issue, the real problem is the existence of an ardent Catholic pressure group to which Protestant Presidents and candidates bow quite as eagerly as Catholics. When the issue came up a few months ago, only Senator Symington, among the whole Protestant roster, spoke out for birth control. We had a Protestant President during the Spanish Civil War, but that did not result in any readiness to lift the embargo against the Spanish Republic. It is even conceivable that a Catholic President might resist some Catholic pressures better than a Protestant President. (And, so far as birth control is concerned, we may perhaps anticipate a Vatican retreat from its present position as underdeveloped countries get more and more representatives in the College of Cardinals. The resources of the doctrine of "prudence" are unlimited.)

Every President, I say, is a bundle of prepossessions. Some kinds of Catholics I would not like to see in the White House. But I personally fear the prepossessions derived from a fanatical Protestant or Jewish fundamentalism or from a belief in the superior wisdom of big businessmen or from a cast of mind which instinctively sees everything in terms of conspiracy. Moreover, it seems to me inconsistent with the whole theory of our democracy to deny nearly 40 million Americans the right to aspire to the highest office in the land. It is terrible to do this to the Negro, and it is no less terrible to do it to the Catholic (or, for that matter, to the agnostic or atheist).

This is surely a matter for the application of common sense. Does anyone seriously think, for example, that Charles de Gaulle takes his orders from the Cardinal of Paris. If a Catholic President of a Catholic nation can preserve the independence and integrity of his decisions, why should anyone suppose that the Catholic President of a Protestant nation could not do as well?

JAROSLAV PELIKAN, *professor of historical theology, at the University of Chicago, and author of The Riddle of Roman Catholicism published last year.*

Whatever else "the separation of Church and State" may demand, it would appear to mean, at the very least, that the Church must be free to be the Church and that the State must be free to be the State. It is thus a guarantee of the technical autonomy of each as the best means of preserving both.

Yet in the name of "the wall of separation," a militant minority in the United States refuse to let the Church be the Church, or will let the Church be the Church only if it conforms its teaching and practice to their *a priori* definition of human life and to the metaphysical (i.e., theological) presuppositions that underlie this definition. There is a one-way wall of separation. In support of an authoritarian and totalitarian liberalism they protest against the authoritarian and totalitarian character of the Church, meanwhile setting forth the "democratic faith" as the norm by which everything affecting this life – if not also that which is to come – is to be evaluated and determined.

The Obligation of Churches

I have been asked to comment on the significance of these five questions as a Protestant theologian – Protestant enough, in any case, to be editor of the English edition of *Luther's Works*. I do not, of course, speak for Protestantism; by definition, I suppose, that is impossible. As a Protestant theologian and churchman, I am disturbed by the interpretation of both the State and the Church that speaks through the usual formulation of such questions, even and especially when the questions come from other Protestants. For such a formulation ignores some of the most fundamental definitions and distinctions in Jewish and Christian theology – including also, but not only, Roman Catholic theology – and it presupposes a world view under which not only Roman Catholicism, but historic Judaism and Christianity would ultimately be impossible.

One such distinction lies at the very center of moral theology. When the Roman Catholic Church speaks about marriage, for example, it speaks on one of three levels: natural law, applicable to all men and societies, Christian or not, by virtue of their creation, even if that creation is itself unacknowledged; revealed law, applicable to those "in a state of grace," who seek to regulate their lives by the standards of divine perfection revealed in Jesus Christ; church law, applicable to Christians by virtue of their membership in the Church and subject to dispensation, revision, and reconsideration. The prohibition of incest is on the first level, the definition of Christian matrimony as a sacrament is on the second, the requirement of clerical celibacy is on the third. If

the Church believes – as virtually all churches do believe, in one way or another – that it has been entrusted with a law that represents the will of God also for men outside "a state of grace," it will feel obliged to bring that law to bear upon society, including the State.

One of the issues with which my colleagues on this symposium deal is the legitimacy of various means toward this end. If, moreover, members of the Church are simultaneously members of the State, what they think and do on one level must indeed be distinguishable, but may not be separable, from what they think and do on another. For God is one.

Behind such questions as the five that have been posed by *The New Republic* lies no mere concern about these practical issues, but a confusion of the three levels outlined earlier. This confusion knows no denominational boundaries, infecting Protestant, Roman Catholic and secularist alike. It causes each of them, when he deals with Roman Catholicism, to forget or ignore the sacramental life of the Church and to equate the Church with the manipulations of its prelates. Here, like Herod and Pilate, the Grand Inquisitor and the professional Pope-baiter clasp hands across the chasm.

Behind such questions as these five may lie an even graver confusion. I refer to the identification of "the American way of life" as a religion, the national temple under whose broad roof various shrines – Protestant, Jewish, Roman Catholic, Eastern Orthodox – may be permitted to worship so long as they acknowledge themselves to be sects or parties within the one state Shinto. Too often the case for the public school is based upon such an identification. As Will Herberg and Martin E. Marty have shown, even the churches, pathetically eager to prove their relevance, dull the edges of their particularity to join the new syncretism. What the Caesars could not accomplish, St. Uncle Sam can.

Enriching the Common Life

If that is the import of these five questions, "the separation of Church and State" is indeed in very serious trouble, not so much from the Roman Catholic hierarchy with its inept political maneuvers, but from the priests and prophets of the new idolatry. The "wall of separation" has broken down, but most of the traffic is going one way. The separation of Church and State in a pluralistic society is based upon the conviction that through faithfulness to their particularities the churches can enhance and enrich the common life as no state Shinto could. The misgivings voiced by these five questions will be a good thing for the common life if they provoke all sides, and especially Roman Catholicism in America, to responsible reflection. They will be a bad thing if they prove as fissiparous as the sectarianism they claim to be opposing.

A Very Unfunny Joke

"We," said the Queen, "are not amused." You have, without doubt, heard the comment quoted a hundred times, but have you ever heard a detailed account of the performance that provoked it? . . . Neither have I; and I should like to, because I should like to know whether what incurred Victoria's icy displeasure was half as raw as the performance the United States Senate has recently put on before the American public.

In any event, we are not amused. That is made abundantly plain by the tone of the newspaper reports of the filibuster against the civil rights bill. The thing is so patently fraudulent that even the Washington correspondents, notoriously tolerant of the pomposities of government, have not tried to present it as anything but a stall, not on the part of the 18 hard-bitten Secessionists, but on that of the 82 other Senators.

Everybody knows that that filibuster could have been broken at any moment that 67 Senators wanted to break it. But there were not 67 who wanted to vote on civil rights. Their reluctance is understandable because many of them represent constituencies, not all in the South, including large numbers of voters who regard civil rights as a potato bug may be presumed to regard Paris Green; and a vote for civil rights might get a Senator into trouble at the next election.

One may even have a certain sympathy for gentlemen caught in a jam without approving their method of evading the issue. The filibuster is objectionable because it implies that the American voter is, as an eminent statesman once put it, "too damn dumb" to understand what is going on. But he does understand. He knows that legitimate and pressing business of the country has been put aside day after day simply in order that a certain number of Senators may avoid committing themselves, one way or the other. And that is a very unfunny joke.

Oh, it is all based on the highest principles. We know that. The full and free expression of opinion, the rights of the states, Senatorial courtesy, are all involved, and they are high principles indeed, fitting admirably under Cornford's famous definition: "A principle is a rule of inaction giving valid general reasons for not doing in specific instances what to unprincipled instinct would seem to be right."

But we know also that a filibuster continued long

enough will furnish a handsome excuse for the acceptance of some milk-and-water compromise by Senators with no taste for taking a bold and forthright stand. The Senator may then explain to his constituents that he was borne down by overwhelming force; thus he may continue to pose before them as a dauntless and dashing fellow, quelling their suspicions that he is, in fact, like the field mouse and the college president, a "wee, sleekit, tim'rous, cowerin' beastie." The attraction of this is so apparent that it may easily account for toleration and even covert support of a filibuster.

There is no mystery about it, then, if we fail to be overwhelmed with admiration of the devotion to duty of Senators who have been sleeping on cots and subsisting on drugstore sandwiches and coffee out of paper cups. A rough life, yes, but they brought it on themselves because 67 of them would not stand up and be counted to end the filibuster. We are not awe-struck. In fact, we are not amused.

It is hard to recall a filibuster that has aroused less emotional response among the people. Even the 18 perdurable Southerners are under suspicion. A desperate rear-guard action commands a certain admiration even among those who regard it as mistaken, if it is really desperate. But if there is a widespread belief that it is getting undercover encouragement from the ostensible enemy, it ceases to be a forlorn hope and becomes merely a fraud. In this august body there may be some Senators who hug the delusion that this performance is an impressive demonstration of the democratic process. It is impressive, all right, not of the democratic process, but rather of the hollowness of Senatorial pretensions to the respect and confidence of the public. Even the long hesitation to discipline Joseph McCarthy was less of an insult to the intelligence of the voters than this attempt to palm off hocus-pocus as the solemn ritual of a democratic legislative assembly.

Worst of all, it isn't even a good show, not to be compared with the *succès de scandale* that Huey Long achieved again and again. Senator Fulbright's headlong assault on the absentee landlord of the White House struck a momentary spark of interest, but that is about all. For the reputation of the Senate the curtain should have been rung down after the first evening; for the thing's a turkey.

BOOKS AND THE ARTS

Anthony Eden and the Suez Crisis

by Max Freedman

It is one of the cruel misfortunes of public life that every national leader tends to be judged, in large part, by the last act of his career. Sir Anthony Eden has accepted this challenge, for he has chosen to begin his memoirs with an account of events since 1951, giving mournful emphasis to the Suez crisis which closed his career amid recrimination and failure.

Nothing is more tragic, in the entire history of the Suez dispute, than the col-

but it is even harder to accept Sir Anthony's special pleading as an accurate and convincing explanation of the origins and meaning of the Suez controversy. Without waiting for the disclosures that will be made when the Dulles papers are published, one can even now point to serious omissions and mistakes in Sir Anthony's narrative.

Throughout his defense, Eden ignores many important points that go against his argument. He is totally silent on the criticisms within the Foreign Office of his Egyptian policy. He steadily discounts the weight and importance of the opposition to his policies in Parliament by the Labour Party and Liberal members, and the massive indictment brought by leading British editors. Yet British public opinion was divided over Suez as it has never been divided over any issue since the Munich Agreement. Indeed, it may be questioned whether any British government can use force against another country when the sanction of public opinion is doubtful and shaken. Eden clings to the consecrated myth that Britain went into Egypt to pull apart the troops of Israel and Egypt; and he persisted in this argument, always dubious, even when events had overtaken it and rendered it altogether ludicrous as Israel added a miniature marvel to the art of battle.

From the start of the controversy Eden's outlook was dominated by a misleading analogy between Nasser and Hitler, and Egypt and Germany. He began his public arraignment of the Egyptian government by questioning whether it had the capacity to operate the Suez Canal as a peaceful artery of world commerce. In retrospect this criticism looks as silly as it always was offensive; and Eden would have shown grace of spirit had he withdrawn it now. Eden's attitude to the United Nations seems sadly at variance with the traditions which made him a noble exponent of the League of Nations and in 1945, in San

Francisco, one of the founding fathers of the new world organization.

But his greatest mistake is his assessment of the American role. There were, of course, deep divisions in American public opinion as it judged the wisdom or folly of the British and French adventure; but at no point in the entire controversy was there any doubt that the Eisenhower Administration would oppose the use of force except as a last inescapable necessity, when all other methods had been given a full trial and had ended in failure. It is utterly unpersuasive to have Eden ignore the depth and tenacity of this American conviction and to blame everything on the meanderings of Mr. Dulles.

Eden misses the essential point when he quotes various statements from President Eisenhower and Mr. Dulles to show that the American Government recognized that force in some circumstances could be used with full justification. A solution by force, on a national basis, was the one solution ruled out and excluded for Britain and France once these two countries agreed at the London conference to seek a solution within the restraints and sanctions of coalition diplomacy. It was always the understanding of leaders as diverse as Dulles, Nehru and Pearson of Canada that there could be no use of force without notification to the allies and without first obtaining their consent.

Indeed, Mr. Selwyn Lloyd, the British Foreign Secretary, assured the American Ambassador in London, just before the tragic adventure, that Britain and France were not planning to apply military pressure on Egypt. It was this broken pledge that so irritated the President and Dulles, contributing to the paralysis of normal diplomatic relations between London and Washington. The British Government refused to consult the American Government before giving the signal for military action, but even worse, it failed to consult the other members of the Commonwealth. The one tribunal from which there is no appeal – failure – soon pronounced its verdict. Eden's policy failed alike on the

Full Circle

The Memoirs of Anthony Eden
(Houghton Mifflin; \$6.95)

lapse of normal diplomatic trust in the relations of Britain and America. Mr. Dulles was the fifth Secretary of State with whom Sir Anthony conducted official negotiations; and he was the only one whom Eden found it impossible to understand or to trust. Several passages in this book contain harsh overtones of criticism against President Eisenhower; but the central indictment is reserved for Mr. Dulles, as the primary author of American policy. "Mr. Acheson," writes Sir Anthony, "is above all a loyal colleague." There is not even a remote hint of such a tribute to Mr. Dulles. The difficulties which began with the Berlin conference deepened over the years until at last Sir Anthony, at the time of Suez, began to believe that Mr. Dulles could never be relied upon to fulfill any commitment, no matter how detailed or explicit. Sir Anthony had once resigned from a British Government in protest against Prime Minister Chamberlain's eagerness to negotiate with Mussolini without giving more weight to the views of President Roosevelt and the State Department. Now he found himself hobbled and thwarted by Mr. Dulles as he tried to bring the Nasser government under international restraint.

It is certainly impossible to excuse Mr. Dulles from a large measure of blame;

field of battle and in the world of diplomacy. A swift decisive thrust at the Canal might have enabled Britain, even at this grievous hour, to persuade world opinion to accept an accomplished fact. But all went wrong. Instead of decision, there was delay; confusion replaced vigor; and the adventure drifted into a muddle. At the United Nations only two countries – Australia and New Zealand – voted with Britain, France and Israel against the resolution of censure. As a crowning ignominy, Nasser emerged as the victor from a crisis which he had done so much to provoke.

The most astonishing omission in the entire book is Eden's failure to recognize that his conduct during Suez is judged and condemned by his policy during

the controversy over French Indo-China. In the earlier dispute he urged caution and moderation upon Admiral Radford and Mr. Dulles. He successfully opposed a military attack on Dienbienphu. He opposed a warning to China that might have carried the hazard of war to a large part of Asia. He insisted that the United States had to respect the wishes and opinions of its friends in the Grand Alliance. He found a courageous and wise supporter inside the Eisenhower Administration in Mr. Walter Bedell Smith. His success over Dienbienphu is the best witness to his failure over Suez.

Eden behaved like a good European in being firm to Russia while avoiding all provocation, in seeking to bring a

peaceful Germany into a covenant of equality with Western Europe, and in trying to make France forget her wounds and humiliations by accepting the hopes and challenge of a new age. He surely was right in opposing the dangerous commitments to Quemoy and Matsu. His wisdom in continuing the British recognition of China was exceeded only by his restraint in refusing to make this question a standing grievance with the United States. Sir Anthony Eden is both a good and a great man, and he is big enough to carry the weight of responsibility for the tragic muddle over Suez without being broken by this burden, or allowing his gathered radiance as a statesman to be eclipsed in a final smudge of failure.

All Night, All Night

I have been one acquainted with the night – Robert Frost

Rode in the train all night, in the sick light. A bird
Flew parallel with a singular will. In daydream's moods
and attitudes

The other passengers slumped, dozed, slept, read,
Waiting, and waiting for place to be displaced
On the exact track of safety or the rack of accident.

Looked out at the night, unable to distinguish
Lights in the towns of passage from the yellow lights
Numb on the ceiling. And the bird flew parallel and still,
As the train shot forth the straight line of its whistle,
Forward on the taut tracks, piercing empty, familiar –

The bored center of this vision and condition looked and
looked

Down through the slick pages of the magazine (seeking
The seen and the unseen) and his gaze fell down
the well.

Of the great darkness under the slick glitter,
And he was only one among eight million riders and readers.

And all the while under his empty smile the shaking drum
Of the long determined passage passed through him.
By his body mimicked and echoed. And then the train,
Like a suddenly storming rain began to rush and thresh
The silent or passive night, pressing and impressing
The patients' foreheads with a tightening-like image
Of the rushing engine proceeded by a shaft of light
Piercing the dark, changing and transforming the silence
Into a violence of foam, sound, smoke and succession.

A bored child went to get a cup of water,
And crushed the cup because the water too was
Boring and merely boredom's struggle.
The child, returning, looked over the shoulder
Of a man reading until he annoyed the shoulder.
A fat woman yawned and felt the liquid drops
Drip down the fleece of many dinners.

And the bird flew parallel and parallel flew
The black pencil lines of telephone posts, crucified,
At regular intervals, post after post
Of thrice crossed, blue-belled, anonymous trees.

And then the bird cried as if to all of us:

*O your life, your lonely life
What have you ever done with it,
And done with the great gift of consciousness?
What will you ever do with your life before death's knife
Provides the answer ultimate and appropriate?*

As I for my part felt in my heart as one who falls,
Falls in a parachute, falls endlessly, and feel the vast
Draft of the abyss sucking him down and down,
An endlessly helplessly falling and appalled clown:

This is the way that night passes by, this
Is the overnight endless trip to the famous unfathomable
abyss.

DELMORE SCHWARTZ

Virtue inside the Rectory

by Susan M. Black

I am told that there are several bars in Greenwich Village where one dare not enter without a prepared answer to the question: "Who Killed the Novel?" Therein the novel's death is dictum; the reasons given for its demise vary only from publisher to editor, author to critic, drinker to drinker. I find Mr. William Faulkner's much-quoted explanation (which, for the record, was not expressed in a Greenwich Village

The Humbler Creation
by Pamela Hansford Johnson
(Harcourt, Brace; \$4.50)

bar) valid enough to quote once again. "Our tragedy today," he said, "is a general and universal physical fear so long sustained by now that we can even bear it. There are no longer problems of the spirit. There is only the question: when will I be blown up? Because of this, the young man or woman writing today has forgotten the problems of the human heart in conflict with itself which alone can make good writing, because only that is worth writing about, worth the agony and the sweat."

Happily, there lives and writes in England a lady, Pamela Hansford Johnson—also a Lady, being in private life the wife of Sir Charles (C. P.) Snow—who has not forgotten. Her latest novel is exclusively about the human heart in conflict and it is very sad, very moral, very quiet and very good.

The Humbler Creation is about many people in an ever less-prosperous London parish but it belongs to the parish's middle-aged vicar, Maurice Fisher. Fisher's *ménage à six* includes his wife Libby (beautiful), her mother (sickly), her widowed sister Kate (tired) and Kate's two sons (difficult). Libby is a study in total inadequacy: unable to love at all she fails her husband (by shirking the work of the parish) and her sister (by shirking the work of the home). She expends even more effort in covering up her failure than in the failing process itself. Into the sorry life of Kate and Maurice enters Tom Westlake, an alcoholic, not-quite-divorced journalist, whose mistress Kate becomes. Enters too an understanding

widow, Alice Imber, with whom Maurice falls desperately in love. Comes the parish gossip. Scandal threatens. Duty beckons loudly and Maurice answers that he cannot give up Alice. Duty beckons low that he must and Maurice, a humble saint of sorts, replies that he can. The essence of the book is the drama of his decision which is as virtuous as it is joyless and inevitable.

Elsewhere in London a queen is preoccupied with a new baby, a princess with a new fiancé, the bobbies with a very old traffic problem but meanwhile, back in St. Lawrence's parish, Miss Johnson's characters are concerned only with the problems of their church: the financial success of the annual bazaar and garden fête, the conduct of the Youth Group, the appropriateness of the organ music and the private life of their vicar. In the air they breathe lurks not a threat of Strontium-90. But the author effectively shows that exotica, erotica, all sorts of time and a minimum of 500 pages are not requirements for a good novel. She also reaffirms that religious, economic, ethnic and geographic homogeneity in no way limits the breadth of a novel's meaning. (Jane Austen proved this, but how short are our memories.) With a cast of 30 Church of Englanders Miss Johnson has successfully covered many varieties of love, religion and intellect. Alice's conflict between intellect and belief (hers is the sin of intellectual pride) and Maurice's struggle, a conflict of love and belief, are especially real.

Miss Johnson's style and her material are in tune—almost too much in tune. Only her descriptive, figurative and symbolic use of light and color call attention to the prose. The author writes of skies that are transparent, violet, cobalt, brilliant with stars and lime-green. She described blazes, bubbles, gleams and lozenges of light that may be pale, deforming, dull, reflected, lemon, sallow, torporous or sour and that comes from fire, lamp, sun and moon. Characters radiate light figuratively: there's the "so inhumanly bright" assistant vicar whose romance "suffered from the limelight of a parish" and who was wont to send "an azure gleam

of amusement in Maurice's direction." Fisher's principles are "illuminating," Libby "glows" only at bazaars and as Alice's father-in-law lies dying in "moneyed brightness" the author takes us into the "stained-glass windows of his mind." Alice's room is literally and symbolically the brightest spot in the book. Maurice comes to adore the light she is so fond of.

The Humbler Creation is dominated by the themes of resignation, renunciation and unhappiness. It has been written without the touches of humor evident in other novels by this prolific writer; smile we may but laughter would be inappropriate. But although it so colorfully pictures people who are content if they can "cope" with life, not to mention enjoy life, this is by no means a despairing book. That the members of a parish feel compelled to put an end to a platonic affair that offers their vicar his only chance for happiness seems wrong, but the author insists on the rightness of their motives; their actions indicate largeness rather than smallness, strength and not weakness, and a sense of duty rather than whimsy. Maurice is only paraphrasing the convictions expressed by certain members of the parish Council when he is finally able to think that "The Church held the only set of rules for most men to live by; and it was vital that the hand which held them should be a trusted one."

Oh shades of Trollope! Oh duty always difficult but done!

They're rioting in AFRICA . . .

Go behind the scenes with
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"My Bible on Africa," says
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WRITE: Riesel and Levenstein,
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ART

The End of Abstraction

For reasons of its own, which have not been announced, the Museum of Modern Art has been conducting an extended and comprehensive attack on abstract expressionism. The attack began last fall, has been unrelenting and will reach its climax in the big Monet show, *Seasons and Moments*, which will be open by the time this is printed.

The Monet show is bound to be lovely to look at and will probably be the most

*The Sense of Abstraction
and
Seasons and Moments
The Museum of Modern Art, New York*

popular art exhibition in New York since Winston Churchill closed at the Metropolitan. The way the show ties in with the Museum's expert demolition of abstract expressionism is clear enough. As an art movement and certainly as the dominant American art movement of the 1950's, abstract expressionism was much more the creation of *Art News*, the movement's bureau of agitation and propaganda, than it was of any group of "new American painters." As a demonstration of the power of the press the enterprise ranks with the Spanish-American War and the transformation of General Eisenhower into the great white father.

The problem of legitimacy, however, has apparently bothered *Art News* from the first. Just as, earlier in the century, the Surrealists discovered Bosch and Arcimboldo to have been surreally Surrealists all the time, so, a few years ago,

Art News revealed that Claude Monet, in the last decade of his life, in failing eyesight, and in the delusion that he was still painting nature, had actually invented abstract expressionism. The revelation was easy enough to receive. All you had to do – and *Art News* was happy to do it for you – was to ignore the paintings themselves and focus in on areas comprising from a tenth to a twentieth of any given canvas painted by Monet from roughly 1916 to his death in 1926. Sure enough, as if by magic, when the small detail was treated as if it were the whole painting, Monet was an abstract expressionist. There was no image, there was no form, there was no composition, only the pure joy of smearing thick pigment around on a canvas. It seemed to me at the time that the magazine was missing an enormous bet. Photographic layout as an instrument of research could easily have brought in Rembrandt and Hals, Delacroix, Rubens, Constable, Turner, and could have ended by discovering that everyone except the 15th Century Florentines – that *retardataire* crowd – was really abstract expressionist. Too late now, though: the Modern's Monet exhibition is going to show whole paintings and lots of them and show at the same time that to the end of his days and under the burden of a double cataract, Monet painted nature as it looked to him.

The only field left to *Art News* layout scholarship is the reverse: to reduce the size of current abstract expressionist canvases and show by photo-montage the landscape and city scenes of which the paintings are details.

Back to our theme. The Museum opened its attack with its opening show of the 1959-60 season, *New Images of Man*. It has been the explicit assumption of abstract expressionism that *Schmeerkunst* artists could draw like Raphael if they wanted to, but, the times being what they are, what with physics, the cold war, the grey flannel suit and Lawrence Welk, Raphael himself would have practiced *Schmeerkunst* if he'd been around in the 1950's. As a matter

of fact, the folklore of 20th Century art in general has the new young artist actually mastering Raphael's draughtsmanship and then throwing it away as inadequate to express the groaning of his soul. In the single case of Picasso this has been approximately true. An awful lot of artists have been getting a free ride on Picasso's demonstrated drawing ability and the Modern's *New Images of Man* destroyed that myth forever. The show contained about two dozen artists of the new look who have combined that look with an image of man. There was some fine painting and some good sculpture in the show, though it was all but lost in the two- and three-dimensional schmeering that predominated, but if one thing was made clear it was that the new artist, even when making human images, cannot draw like Raphael.

Next, in *Sixteen Americans*, the Museum examined what has happened when abstract expressionism passed from the artists whose work inspired *Art News* to those, the "second generation," whom *Art News* inspired. As you might expect the young actionists turned out to be mannered, labored, hopeless, helpless and, on the whole, worthless. The sculpture was vastly superior to the painting for the obvious reason that even *Art News* hasn't figured out a way to make accidental sculpture.

So deep, apparently, is the Modern's animosity toward abstract expressionism, that even a fund-raising installation of the permanent collection has this year played a part in attacking the new painting. *A Bid for Space*, on the second floor of the Museum, is intended to show how cramped the institution is. Pictures are hung one on top of another and the implication is that contributions are needed for more galleries to show more of the top 20th Century collection the Museum has. Actually, the installation does not look crowded. It looks good and suggests that old-fashioned hanging methods still have their uses. New relationships appear in every room, and the whole installation is the most stimulating view of its masterworks the Modern has ever offered. Since abstract expressionism has concentrated on floor to ceiling size paintings, one implication of the show is that the Modern needs not only larger space but also smaller pictures

Notes on Contributors

Max Freedman is the Washington correspondent of The Manchester Guardian. Delmore Schwartz, who was poetry editor of this journal for many years, has recently received the Bollingen Prize for his book, *Summer Knowledge*, and a Longview Award for his magazine contributions. Susan M. Black lives in New York, where she works for Esquire magazine.

than it has been getting from the new painters.

Finally, the current show, *The Sense of Abstraction*, knocks out the last theoretical prop beneath any presumed necessity of abstract expressionism. The show is photographic and has 300 prints in color and black-and-white by 75 international photographers. From medical to astronomical photography, the exhibition covers the full range of abstract photography and many of the examples, particularly those of Harry Callahan and Francis Thompson, are

excellent pictures. However, since representational painting was made obsolete by the invention of photography, the Museum is manifestly saying that the range and achievement of abstract photography has now made abstract painting just as obsolete and we must get on to something else.

Or must we? Or was figurative painting really killed by the invention of the camera? Interesting questions and we are in the debt of the Modern for raising them. On to Monet.

FRANK GETLEIN

MOVIES

An Early Spring Roundup

Every art can show examples of work which is effective – no matter how silly – simply because techniques are well used. Ravel's *Bolero* (even though you may grit your teeth now merely to read the title) once excited you because rhythm and orchestration are so cleverly handled. Poe's *The Bells*, Dali's painting – the list could be extended of works which can't be taken seriously but whose mechanics are so skillful that they affect everyone at least once.

A minor example of this species is a film called *The Last Voyage*. The story is commonplace: the old one of the sinking of a passenger liner detailed minute-by minute from initial accident to final glub. The dialogue is of the

The Last Voyage (M-G-M)

The Bramble Bush (Warner)

Home from the Hill (M-G-M)

Heller in Pink Tights (Paramount)

afternoon-TV variety and the acting of the leading roles matches it. But the director and film editor, Andrew and Virginia Stone, have photographed this trite material so strikingly and edited the results with such canny craft that they have generated sustained excitement. The "inter-cut" has a long and venerable history in films. (Classic example: we see the hero racing to the railroad, then we cut to the heroine tied to the tracks, then to the speeding locomotive, then back to the racing hero, etc., etc.) It is employed excellently here.

This picture was made off the coast of Japan on the old *Ile de France*, bought and destroyed for the occasion. The reality of the settings and editing make it the kind of lowest-grade entertainment which (like a good performance of the *William Tell* overture) you may grin at but must enjoy.

A curious fact is that Andrew Stone has been much more successful with his handling of the crowds than of his principals. The mob scenes are remarkably good.

Isn't there an old college song about Dinkledorfer's Wonderful Sausage Machine? Various ingredients, good and bad, are thrown into the hopper, and out comes uniform baloney. I was reminded of it recently by seeing *The Bramble Bush* and *Home from the Hill*. Hollywood has taken two novels, Charles Mergendahl's competent piece of commercial manufacture and William Humphrey's fine book, and has made from them the same highly vendible product – the same color, the same self-consciously spicy flavor.

The Bramble Bush tells of the difficulties of a young New England doctor beset with sexual problems and a euthanasia charge. Richard Burton, freighted with an American accent, does his futile best. *Home from the Hill* takes us to East Texas, inflicts Robert Mitchum on us for two hours and forty minutes, and travesties the dark, swirling passions of Humphrey's drama of

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THE NEW REPUBLIC

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family and self. The film is interesting only for the winning performance of George Peppard in a role which doesn't even exist in the novel.

All the changes have not yet been rung on the Western. *Heller in Pink Tights* is the story of a theatrical troupe traveling by caravan through Indian territory to the wide-open towns of the badlands. It is not a well-composed picture; it was clearly made from a much-revised script and the result not only lacks consistent tone but is lacking somewhat in plain good sense. However, occasional scenes are decently written, and it flirts with a provocative idea: the confrontation of a stage hero with a real gunman-badman. Anthony Quinn, an actor who believes in himself and whose confidence persuades us likewise, is not only

credible but funny as the thespian who prefers his fights rehearsed, and there is a good performance by Eileen Heckart.

But the picture's chief ornament is Sophia Loren in the title role. Blonde-wigged (shame on everyone concerned!), as well as over-painted and blatantly lighted as she has been in all her American pictures, Miss Loren's beauty is nevertheless unsuppressible. As an actress she is always at least adequate, but American producers have been corseting her—figuratively and literally. Kay Kendall was enchanting because she combined beauty with deft comic talent. Miss Loren is enchanting because she combines Junoesque beauty with hearty, vulgar, life-savoring vitality. Can't they see that in Hollywood and, in her next film, turn her loose?

STANLEY KAUFFMANN

TELEVISION

Entertaining the Indifferent Millions

Half a century ago Bernard Shaw wanted theaters licensed to persons of good reputation who would conduct their business as they pleased, but be called to account periodically on their performance. He was proposing the FCC; he believed that under it the licentious displays of the theater would give way immediately to Shaw plays and other severe and educational experiences. Who would have thought that suspicious old Puritan would prove so naïve? We see around us the waste of grand opportunity brought about by the FCC system.

Among the investigators poking about in the ruins there is a hopelessness and a lack of realism that is summed up in two interesting documents of recent date. One is the report of the Subcommittee on Legislative Oversight, known familiarly in this era of the personality cult as the Oren Harris Committee. The other is a letter to *The New Republic* from Budd Wiener, the program director of a television station in Tucson.

The Committee report is mostly devoted to deploring, but even where it momentarily touches solid ground it seems to miss connecting. The Committee wants laws to prohibit the networks

from surrendering control of material to be broadcast to advertisers. It is like asking for laws to prohibit murder. Murder goes on; there is only a penalty established, and in this case it is one that is passed on to the public. The networks are worried sick and they should be, for they have no way to implement such a rule if one should be passed. Why should a sponsor pay from \$50,000 to a quarter of a million dollars for a program and have no control over it? The real answer for TV is the magazine concept—the passing of a law to prevent stations from selling time slots. The advertisers have quite justifiably jibbed at any proposals that they surrender control while retaining responsibility for programs, and this is the only way to relieve them of both.

In the meantime the networks are madly trying to avoid what they regard as impending censorship by aggressively censoring themselves before someone does it for them. Overlaid on the special demands of sponsors, which (for example) eliminate mention of gas in a play about gas chambers, and leather jackets from shows about juvenile delinquents (lest the sale of leather be depressed), there is a push to eliminate de-

colletage, bloodshed and pain; women walk about without bosoms, men die without pain, are cut without bleeding. The few dramatic producers who maintain a rearguard defense of reality, insisting that showing death without pain, terror without pity, is a more vicious falsification than anything done on the quiz shows, are the only ones feeling the brunt of the current campaign. The lulling stuff that occupies the marginal attention of most of the nation is by its very inoffensive and marginal nature overlooked. Despite John Steinbeck's remarks in *The New Republic* of a few weeks ago, despite the national uproar over the quiz shows, the quizzes seem to be a trivial issue, and one that has been dangerously misleading. For the matter of unfixing a quiz or eliminating payola seems an extraordinarily limited approach to managing a means of communication that has its feather in the public's ear six hours a day.

Budd Wiener is another disappointed son of the Enlightenment, impatient with the slowness of public acceptance of the Grace of Reason. He is too quick to see sin everywhere. His letter complains that after he and his station arranged to put a debate between Senator Goldwater and Representative Udall on nighttime television, barely half of the television audience watched the debate. His language is intemperate: "Now tell me what the television audience wants, issues of vital importance to the community or lousy 'shoot 'em up' shows." But when 50 percent of an audience stay home, take the trouble to tune the set, fight off the children who want to turn on *Lassie* or a Western, it is an astonishing and wonderful event.

If instead of almost 50 percent, only the alert and influential people who set the tone of the community's political thinking had watched, the rating might have been closer to two percent, and still I should have thought Condorcet's dreams were coming true.

The Wieners of the industry must not be so readily discouraged into accepting the prevailing attitude that the public deserves junk because it seems to like it. It is the same mistake the Committee makes: to accept television as only a business entertaining endlessly and colorlessly the masses of indifferent millions, while the serious matters of life are transacted elsewhere.

FRANK R. PIERSON

Correspondence

The Chessman Transcript

Sirs:

I bring to the discussion of the Chessman case years of experience in the defense of criminal cases and the prosecution of appeals. I am at present a member of the Criminal Law Committee of the Ohio State Bar Association and served for a few years on the Constitutional Rights Committee of the Toledo Bar Association . . . In 1958 I was on the lecture staff at Northwestern University School of Law during both the Short Course for Defense Lawyers in Criminal Cases and the Short Course for Prosecuting Attorneys. In 1959 I was on the lecture staff of the Short Course for Defense Lawyers and The National Association of Defense Lawyers in Criminal Cases.

I do trial work and, while the bulk of my work is civil jury and non-jury, which of course leads to the appellate courts, I have in my time tried more than forty homicide cases, and I can from actual experience compare the time taken to try cases and prosecute appeals in civil and criminal cases. Within the Ohio judicial system, from trial to the disposition of the case on appeal in the Ohio Supreme Court, the average time is about eighteen months.

In one of the Ohio State reports will be found a first degree murder case which I tried. The appellant had been convicted of murder in the second degree. The Ohio Supreme Court reversed and sent the case back because the proof could only sustain a conviction of man-

slaughter and because of the fantastic record of misconduct by the Prosecutor. In its opinion the Supreme Court set out three pages of the acts of misconduct. On the same day the same Court reversed a \$10,000 judgment in a personal injury case involving a municipally-owned bus line because of one act of misconduct by plaintiff's counsel. Ever since Ohio's Constitutional Convention of 1912 and the adoption of the Substantial Justice Rule, property has stood ahead of life or liberty in this state. Yet what happened in California in the Chessman case could not have happened in Ohio, because even our courts would not have permitted such a gross fraud to be perpetrated upon a defendant.

Gerald W. Johnson, in his sensible discussion in *The New Republic* ("Chessmann's Challenge," March 7), writes: "Time after time Chessman's appeals have been dismissed by the higher courts as being based on mere technicalities, without substantial merit." As most commentators refer constantly to mere technicalities I believe it safe to assume that none of them has taken the trouble to find out upon what claim Chessman has bottomed his appeals. I have taken the trouble, and I find that it is no small matter.

Chessman was tried in 1948, and while no one was killed during the rape-kidnaping incident he was found guilty and sentenced to death. Under California law he was entitled to a mandatory review in the California Supreme Court. That could only be had upon a 1,787-page transcription of the stenographic record of the trial. Ernest R. Perry, the court reporter, died after transcribing 593 pages of notes. The balance of 1,194 pages was transcribed from Perry's Pittman notes by an uncle of the wife of Chessman's prosecutor. On September 16, 1948, the chairman of the executive committee of the Los Angeles Superior Court Reporters Association wrote to the County Board of Supervisors, and of those notes he wrote:

"... We have serious doubts that any reporter will be able to furnish a usable transcription of said shorthand notes. Other reporters of our number have examined and studied Mr. Perry's notes and have reached the conclusion that many portions of the same will be found completely

indecipherable because, toward the latter part of each court session, Mr. Perry's notes show his illness."

In 1954, Mr. Person was to change his opinion.

Under California law, if this had been a civil case a new trial would have been ordered if the stenographer died before the transcript had been typed.

Anyone who has had experience with the stenographer who seeks to transcribe his own cold notes after a few weeks or months knows how difficult it is to get a fair result. We all know how impossible it is for one stenographer to

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transcribe the notes of another after the passing of time.

The minority of the California Supreme Court recognized the validity of Chessman's complaint, as have all of the State and Federal Judges who have granted the various stays.

In July of 1954, Justice Jesse W. Carter, of the California Supreme Court, granted a stay in these words:

"To my mind it is a clear and obvious violation of the due process provisions . . . for the Supreme Court of California to decide a death penalty case on an incomplete or inaccurate record, where such record is procured by fraud and connivance of prosecuting officials.

"This is the legal proposition in Chessman's petition for a writ of certiorari and stay of execution, and in my opinion he should have an opportunity to have the Supreme Court of the United States consider his petition for certiorari, which squarely presents this issue."

Very few questions which I have presented as ground for the reversal of a civil judgment or a criminal conviction in the highest court of a state or in the Supreme Court of the United States have had more substance than the great issue presented in *Chessman v. California*. I consider the grounds for reversal urged in this case to be of great weight and compelling importance. The Constitution of the United States and that of the State of California as well as the all important procedural law are compounded of "mere technicalities." Democracy and the defense of it are essentially procedural.

During the last four years the Chessman case has entered the consciousness of many people. During question and answer periods I am met by criticism of our judicial system because of the failure to dispose of the *Chessman* case years ago. In each case when I have explained the nature of Chessman's claim my audience has been quick to grasp the unfairness of the original decision of the trial judge and the California Supreme Court in denying to Chessman a new trial. Let us be done with the reference to "mere technicalities" and let us tell the people the nature of Chessman's complaint.

Dan H. McCullough
Toledo, Ohio